

# **Attachment C**

**Development Consent SSD 10362**

# Development Consent

## **Section 4.38 of the *Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning and Public Spaces under delegation executed on 24 October 2019, the Central Sydney Planning Committee recommended deferred commencement consent be delegated to the Chief Executive Office of the City of Sydney pending concurrence from Sydney Metro, for the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

P. M. Barone

Monica Barone  
**Chief Executive Officer**  
**City of Sydney**

Sydney

2021

File: SSD 10362

### **SCHEDULE 1**

**Application Number:**

SSD 10362 (D/2020/610)

**Applicant:**

China Centre Development Pty Ltd

**Consent Authority:**

Central Sydney Planning Committee

**Site:**

324-330 Pitt Street - Lot 3 DP 1044304

332-336 Pitt Street - Lot 1 DP 66428

338-348 Pitt Street - Lot 10 DP 857070

241-243 Castlereagh Street - Lot 1 DP 90016

245-247 Castlereagh Street - Lot 1 DP 70702, Lot 1 DP 78245

249-253 Castlereagh Street - Lot B DP 183853

126 Liverpool Street - Lot A DP 448971

128 Liverpool Street - Lot B DP 448971

130 Liverpool Street - Lot C DP 448971

**Development:**

Detailed design application for demolition, excavation and construction of two, 80-storey mixed use towers and podium buildings containing retail, 158 hotel rooms and associated facilities, 590 apartments and associated facilities and five levels of basement parking, public domain works including new through-site links.

## DEFINITIONS

<b>Applicant</b>	China Centre Development Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	Council of the City of Sydney
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, excavation and construction, as modified by the conditions of this consent.
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement 338 Pitt Street, Sydney Stage 2 State Significant Development Application SSD 10362, prepared by Ethos Urban dated 18 June 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Modification Assessments</b>	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: D/2016/1509/A
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEH</b>	NSW Office of Environment and Heritage

<b>Operation</b>	The use of any building upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>RMS</b>	NSW Roads and Maritime Services

## SCHEDULE 2

### PART A DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following condition is satisfied, within 12 months of the date of this determination:

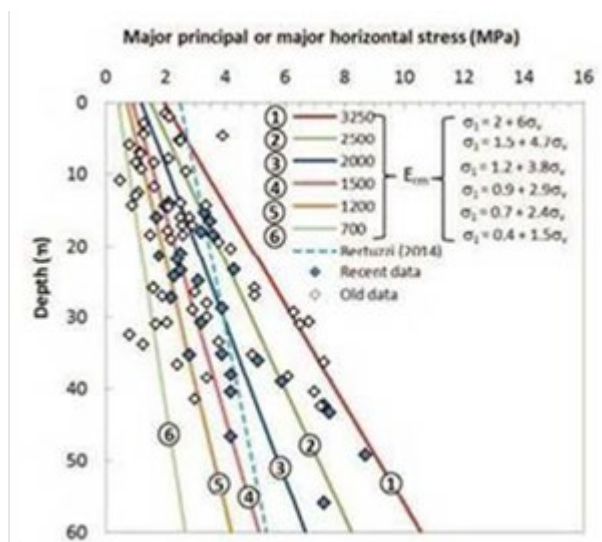
- A1. The width of the skybridge must be substantially reduced such that it provides no more than the minimum structural stability required for the towers, and in particular reveals the corners of the towers (with the exception of the tower corners closest to each other).
- A2. The Applicant shall prepare and provide to Sydney Metro an updated engineering impact assessment with consideration of the four following points:
  - (a) Adopted rock stiffness in the Preliminary Geotechnical Assessment (Ref. PSM3102-009R) prepared by PSM and dated 21 April 2021 is considered to be more akin to the lateral unloading stiffness for a class I/II rock mass. Vertical stiffness of class I/II should lie closer to 2000 MPa. A 4000 MPa vertical loading rock mass modulus, according to Pells 2019, sits firmly within a Class 1 rockmass. Extract below has been provided for reference:

Table 3: Design values for centric vertical loading on sandstone

Class	Limit of approximately linear settlement versus bearing pressure (see text)	Guidelines for specific serviceability calculations		Revised guidelines	
		Design Young's Modulus (MPa) <sup>1</sup>	Design Poisson's Ratio	Bearing pressure to limit settlement to <1% of minimum footing dimension (MPa) <sup>1</sup>	Ultimate compressive socket side shear (kPa) <sup>2</sup>
I	>3 x UCS	2000 to 5000	0.2	12	3000
II	>2 x UCS	900 to 2000	0.2	6 to 12	1500 to 3000
III	>1.5 x UCS	350 to 1200	0.25	3.5 to 6	800 to 1500
IV	UCS	100 to 700	0.3	1 to 3.5	250 to 800
V	3MPa	50 to 200	0.35	0.8 to 1	150

Note 1: Lower values for lowest strength, closest defect spacing or maximum seam % in each Class.  
 Note 2: Clean sockets of roughness category R2 or better (Walker and Pells, 1998).

- (b) In situ stresses are likely to lie between high and adverse see extract from Oliveira and Parker 2014. Current base case is considered none-conservative. Please provide commentary on adopted values and impacts of reasonable variations.



- (c) It is expected wall deformation calibration should be conducted with consideration of the following:
  - (i) Virgin ground (i.e. no other excavations influencing the stress in the ground)
  - (ii) in the major horizontal stress plane (so maximum displacement)
  - (iii) deformation calibration at the top of the rock mass
 Resulting locked in stresses / rock mass stiffnesses can then be used within the full model.
- (d) Reasonable variations in ground stress, rock mass stiffness may be explored to bound the potential range of responses of the tunnel lining.

- A3. Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- A4. The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- A5. Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

## PART B ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

### TERMS OF CONSENT

- B2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the management and mitigation measures.

Drawing Number	Revision	Drawing Name	Date
<b>1000</b>		<b>GENERAL</b>	
1000	08	Cover Sheet/ Drawing Schedule	21/2/21
1200	03	Site Plan	21/2/21
<b>2000</b>		<b>PLANS</b>	
<b>2000</b>		<b>General Arrangement Plans</b>	
2000	05	Basement 04 Plan	21/2/21
2001	10	Basement 04 Plan	21/2/21
2002	10	Basement 03 Plan	21/2/21
2003	10	Basement 02 Plan	21/2/21
2004	11	Basement 01 Plan	21/2/21
2005	10	Mezzanine	21/2/21
2006	10	Lower Ground Plan	21/2/21
2007	08	Ground Floor Plan	21/2/21
2008	08	Level 01 Plan	21/2/21
2009	08	Level 02 Plan	21/2/21
2010	08	Level 03 Plan	21/2/21
2011	08	Level 04 Plan	21/2/21
2012	08	Level 05 Plan	21/2/21
2013	08	Level 06-07 Plan	21/2/21
2014	09	Level 08 Plan	21/2/21
2015	09	Level 09-16 Plan	21/2/21
2016	09	Level 17 Plan	21/2/21
2017	09	Level 18 Plan	21/2/21
2018	09	Level 19-30 Plan	21/2/21
2019	09	Level 31 Plan	21/2/21
2020	09	Level 32 Plan	21/2/21
20221	09	Level 33 Plan	21/2/21
2022	09	Level 34 Plan	21/2/21
2023	09	Level 35 Plan	21/2/21
2024	09	Level 36 Plan	21/2/21
2025	09	Level 37 Plan	21/2/21
2026	09	Level 38-55 Plan	21/2/21
2027	09	Level 56 Plan	21/2/21
2028	09	Level 57 Plan	21/2/21
2029	09	Level 58-71 Plan	21/2/21
2030	09	Level 72-75 Plan	21/2/21
2031	09	Level 76 Plan	21/2/21
2032	09	Level 77 Plan	21/2/21
2033	09	Level 78 Plan	21/2/21
2034	09	Level 79 Plan	21/2/21
2035	09	Level 80 Plan	21/2/21
2036	09	Roof Plan	21/2/21
<b>3000</b>		<b>ELEVATIONS</b>	
<b>3000</b>		<b>1:500 Elevation</b>	
3001	09	North Elevation	21/2/21



3002	09	East Elevation	21/2/21
3003	09	South Elevation	21/2/21
3004	09	West Elevation	21/2/21
<b>3100</b>		<b>1:200 Elevation</b>	
3101	06	North Elevation - Podium	21/2/21
3102	06	East Elevation – Podium	21/2/21
3103	06	South Elevation – Podium	21/2/21
3104	06	West Elevation - Podium	21/2/21
<b>4000</b>		<b>SECTIONS</b>	
<b>4000</b>		<b>Overall Sections</b>	
4000	09	Section – North Tower	21/2/21
<b>4200</b>		<b>Podium Section</b>	
4200	06	Podium Section - East West A	21/2/21
4201	06	Podium Section - East West B	21/2/21
4202	06	Podium Section - East West C	21/2/21
4203	07	Podium Section – North South A	21/2/21
4204	06	Podium Section – North South B	21/2/21
4205	07	Podium Section – North South C	21/2/21
<b>6200</b>		<b>Compliance Plans</b>	
6200	04	Adaptable Apartments	12/5/2020
6200	04	Universal Design Apartments	12/5/2020
6200	04	Adaptable Design Hotels	12/5/2020
<b>8000</b>		<b>LANDSCAPE</b>	
8000	04	Cover Sheet	21/2/21
8001	04	Site _ Key Plan	21/2/21
8002	04	Ground Floor – Hotel Lobby+Residential Lobby+Retail	21/2/21
8003	04	Hotel+Retail rooftop +Residential Amenity	21/2/21
8004	04	Hotel+Hotel Rooftop Spa + Residential	21/2/21
8005	04	Sky Bridge - Residential Amenity+Roof	21/2/21
8006	04	Landscape Sections	21/2/21

- B3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- B4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### EVIDENCE OF CONSULTATION

- B5. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### APPLICABILITY OF GUIDELINES

- B6. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- B7. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and

management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **MONITORING AND ENVIRONMENTAL AUDITS**

- B8. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

**Note:** *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

## **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- B9. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- B10. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## **NON-COMPLIANCE NOTIFICATION**

- B11. The City must be notified in writing to [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the City in writing to [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) within seven days after they identify any non-compliance.
- B12. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- B13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **LIMITS ON CONSENT**

- B14. This consent will lapse in five years from the date of the consent unless the works associated with the development have physically commenced.
- B15. This consent does not approve:
- (a) First use of retail premises, including food and drink premises and fit-out works
  - (b) Business premises' fit-out works
  - (c) Outdoor seating areas associated with retail premises
  - (d) Signage
- B16. Separate application(s) must be lodged, and consent obtained for the above works and uses (except where exempt and comply development applies).

## **CHANGES TO KERB SIDE PARKING RESTRICTIONS**

- B17. A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.
- B18. The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.
- B19. All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

## **COST OF SIGNPOSTING**

- B20. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

## **PRESCRIBED CONDITIONS**

- B21. The prescribed conditions in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 apply:

- (a) Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- (b) Clause 98A Erection of signs
- (c) Clause 98B Notification of Home Building Act 1989 requirements
- (d) Clause 98C Conditions relating to entertainment venues
- (e) Clause 98D Conditions relating to maximum capacity signage
- (f) Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at: <http://www.legislation.nsw.gov.au>

## **DESIGN QUALITY EXCELLENCE**

- B22. As the proposal has been awarded bonus floor space or height for achieving design excellence and in order to ensure the design quality excellence of the development is retained to completion:
- (a) The design architect(s) comprising FJMT, Trias, Polly Harbison and Aileen Sage are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
  - (b) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
  - (c) Evidence of the design architect's commission must be provided to the Council prior to release of the Construction Certificate.
- B23. The design architect of the project is not to be changed without prior notice and approval of the Council's Director Planning, Development and Transport.
- B24. The Accredited Certifier and Principle Certifier must be satisfied that the above matters are complied with prior to the issue of a relevant Construction and Occupation Certificates, in accordance with written confirmation from Council.

## **TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

- B25. For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

## **DEWATERING - APPROVAL NSW OFFICE OF WATER**

- B26. If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

Note: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.

## **TRAFFIC WORKS**

- B27. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

## **LAND SUBDIVISION**

- B28. Any proposal to subdivide the site, including any stratum subdivision of the building, will require a separate application to Council to obtain development consent for the proposal and subsequent issue of the Subdivision Certificate under Section 109J of the *Environmental Planning and Assessment Act 1979*.

## **STRATA SUBDIVISION**

- B29. Any proposal for strata subdivision of the site will require development consent and therefore the lodgment of a separate development application or complying development application, and subsequent approval from Council, or an accredited certifier, of the Strata Plan and issue of a Strata Certificate under the *Strata Schemes Development Act 2015*.

## **ROAD OPENING APPLICATION**

- B30. A separate road opening application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of any:
- (a) Excavation in or disturbance of a public way, or
  - (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

## **WORKS REQUIRING USE OF A PUBLIC PLACE**

- B31. Where construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

## **ELECTRICITY SUBSTATION**

- B32. If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

## **OTHER (SYDNEY METRO)**

- B33. Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- B34. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.

## **PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **DESIGN MODIFICATIONS**

- C1. The design of the building must be modified as follows:
- (a) Footpath awnings are required to the podium buildings fronting Castlereagh Street in accordance with Section 3.2.3 of the Sydney Development Control Plan 2012.
  - (b) Apartments 3603 and 3609 are to be converted to either internal communal facilities (such as a communal kitchen/dining room or music rooms) or extension of the adjacent outdoor communal open space.
  - (c) The form and materiality of the footpath awnings must relate to the individual architecture of the podium buildings and have regard to Section 3.2.3 of the Sydney Development Control Plan 2012. 1:50 plans and elevations are to be provided of each building awning accordingly.
- C2. The modifications are to be submitted to and approved by Council's Director of City Planning Development and transport.

### **MANAGING CONSTRUCTION IMPACTS TO ADJOINING THROUGHSITE LINK**

- C3. A report and accompanying plans must be provided to the satisfaction of the City's Area Planning Manager demonstrating how the development can be undertaken without adverse impacts to any structure, or unreasonably inhibit access to any premises, located at 310-322 Pitt Street.

### **MAINTAINING SUFFICIENT SERVICING AND END OF TRIP FACILITIES IN ACCORDANCE WITH 88B INSTRUMENT**

- C4. Prior to the issue of any Construction Certificate, a report, accompanying plans (where applicable) and signed agreement from the owners of 310-322 Pitt Street and 225-227 Castlereagh Street must be provided to the satisfaction of the City's Area Planning Manager demonstrating that:
- (a) sufficient compensatory off-street loading and servicing spaces including but not limited to waste management, deliveries and the like during and post construction and occupation are provided in accordance with any 88B instrument over the subject site.
  - (b) sufficient compensatory access to the end of trip facilities located on level 1 of 310-322 Pitt Street are maintained during and post construction and occupation in accordance with any 88B instrument over the subject site.

### **SECTION 61 CONTRIBUTIONS PAYABLE - REGISTERED QUANTITY SURVEYOR'S DETAILED COST REPORT - SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- C5. A cash contribution comprising 1% of the total cost of the development is payable to the City of Sydney pursuant to section 61 of the *City of Sydney Act 1988* and the *Central Sydney Development Contributions Plan 2013* in accordance with the following:
- (a) Prior to a Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and then that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
  - (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" indicating the itemised cost of the development must be completed and submitted to Council by the Accredited Certifier, together with copies of the plans the subject of the application for the Construction Certificate. A copy of the required format for the "City of Sydney Registered Quantity Surveyor's Detailed Cost Report" may be obtained from the City of Sydney One Stop Shop, any of the Neighbourhood Service Centres and the City of Sydney's website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).
  - (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Accredited Certifier accordingly.
  - (d) The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, *Building Code of Australia* compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (e) below. Any item for which an exemption has been granted is still to be

included in the total cost of development, together with an itemised value to enable the City to calculate the value of the exemption.

- (e) The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.

- C6. Please contact Council's Planning Administration staff at [Planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to confirm the amount payable, prior to payment.

## EXTERNAL WALLS AND CLADDING

- C7. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- C8. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- C9. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

## ALLOCATION OF PARKING

- C10. The number of car parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Accredited Certifier.

Car Parking Type	Number
Residential spaces	288
Accessible residential spaces	89
Retail car parking	17
Accessible retail car parking	3
Hotel car parking	33
Accessible hotel car parking	2
<b>Subtotal</b>	
Motorcycle parking	38
Car share parking	10
Courier / B99 Spaces*	10
Service vehicle Small Rigid Vehicle loading dock(s)	5
Service vehicle Small Rigid Vehicle loading dock(s) for Telstra Plaza (320 Pitt St)	2
Service Vehicle Medium Rigid Vehicle loading dock(s)	3
Service Vehicle Medium Rigid Vehicle loading dock(s) for Telstra Plaza (320 Pitt St)	1
Courier bays for Telstra Plaza (320 Pitt St)	8
Hotel drop off and pick up	6

- C11. The waste collection access and area must meet the requirements of DCP12 Section 3.11.13. The waste collection area must meet the requirements of DCP12 Section 3.11.13 (3), namely that vehicle access for collection and loading will include (but is not limited to) the following:
  - (a) a 9.25m Council garbage truck;
  - (b) minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
  - (c) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
  - (d) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
  - (e) a minimum driveway width of 3.6m; and
  - (f) a minimum turning circle radius of 10.5m.

The spaces must be sign posted for use only by service and delivery vehicles and well lit

## CAR PARKING DESIGN

- C12. The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities must comply with the minimum requirements of the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1*:

*Off-street car parking, Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities and Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.*

## **BICYCLE PARKING AND END OF TRIP FACILITIES**

- C13. The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	592	Class 2/B
Residential visitor	59	Class 2/B or 3/C
Non-residential	20	Class 2/B
Non-residential visitor	60	Class 3/C
End of Trip Facility Type	Number	
Showers with change area	8	
Personal lockers	80	

- C14. The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Accredited Certifier confirming compliance prior to the Construction Certificate being issued.
- C15. Directional signage to the bicycle parking facilities are to be installed from the street level, between the bicycle rider's entry point/s at the site boundary and the entry point to the End of Trip facilities. Signage is to be generally in accordance with those shown in the Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. Signage can include on the ground marking. The details must be submitted to and approved by Council's Area Planning Manager.

## **CAR SHARE SPACES**

- C16. The car spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- C17. The spaces must be made available to car share operators without a fee or charge.
- C18. The spaces must be sign posted for use only by car share vehicles and well lit.
- C19. The spaces must always be accessible to members of the car share scheme.
- C20. The car share spaces are to be available when the car park commences operation.

## **PARKING DESIGN**

- C21. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.

## **BUILDING HEIGHT**

- C22. The height of the building must not exceed the following:
- RL 258.161 (AHD) to its north-eastern corner;
  - RL 255.829 (AHD) to its south-eastern corner
  - RL 253.280 (AHD) to its south-western corner
  - RL 255.799 (AHD) to its north-western corner
- C23. Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.
- C24. Sydney Airport: The building must not exceed a maximum height of 281.85 metres AHD, inclusive of all lift overruns, vents, chimneys, aerials, antennas, lighting rods, any roof top garden plantings, exhaust flues etc.

## **MATERIALS AND SAMPLES BOARD**

- C25. A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager. The materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'.
- Clear glass (low iron) is recommended to ensure that the podium bridges are as transparent and lightweight as they possibly can be. Similarly, steel structure or very fine concrete elements will help contribute to the appearance of minimal links.

- (b) Full or substantially transparent/translucent awnings will not be supported.
- (c) Details must accompany the sample board regarding the protection of sandstone at ground level.
- (d) Detail plans at a scale of 1:20 are to be provided of the privacy treatment to the southeast corner apartments of the north tower and northeast corner of the south tower identified in section 7.7 of Appendix B to the EIS.

## **MANAGING WIND IMPACTS**

- C26. Detailed plans at appropriate scales are to be submitted to and approved by Council's Area Planning Manager identifying the location of all wind mitigation structures in public and private but commonly accessible areas, demonstrating consistency with the recommendations of the Wind Study at appendix CC of the EIS accompanying the application.

## **FLOOR SPACE RATIO**

- C27. The Floor Space Ratio of the proposal must not exceed 13.92:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 84,717sqm.
- C28. Council's written verification must be obtained, confirming that 17,995sqm of heritage floor space was allocated (purchased and transferred) to the development, being that gross floor area in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

## **REFLECTIVITY**

- C29. Prior to issue of the Construction Certificate the Accredited Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

## **ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

- C30. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

## **ADAPTABLE HOUSING**

- C31. Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Accredited Certifier:
- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
  - (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

## **ASBESTOS REMOVAL WORKS**

- C32. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.
- A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.
- C33. Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- C34. All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- C35. The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- C36. Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they



remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.

- C37. Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- C38. No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- C39. No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- C40. A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
  - (a) The site notice board must include the following:
  - (b) contact person for the site;
  - (c) telephone and facsimile numbers and email address; and
  - (d) site activities and time frames.

#### **HAZARDOUS MATERIALS SURVEY REQUIRED**

- C41. A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.
- C42. All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report (prepared by [prepared by], Ref. [ref], dated [dated]), as approved must be complied with.
- C43. Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

#### **BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC**

- C44. An updated BASIX Certificate is to be submitted to and approved by the City's Area Planning Manager prior to the issue of any Construction Certificate as follows:
  - (a) The number of apartments must be updated to reflect the 590 approved.
  - (b) Further investigation regarding the car park ventilation system is to be undertaken and, where available, inform the BASIX energy score.
- C45. A copy of the completed BASIX certificate under C44 with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

#### **DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

- C46. Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
  - (a) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (b) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (c) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (d) A Waste Management Plan for the demolition and or excavation of the proposed development.
  - (e) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with the City's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- C47. Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
- (a) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (b) The name and address of the company/contractor undertaking demolition/excavation works.
  - (c) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (d) The name and address of the transport contractor.
  - (e) The type and quantity of material to be removed from site.
  - (f) Location and method of waste disposal and recycling.
  - (g) Proposed truck routes, in accordance with this development consent.
  - (h) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (*Note*: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (i) Measures to control noise emissions from the site.
  - (j) Measures to suppress odours.
  - (k) Enclosing and making the site safe.
  - (l) Induction training for on-site personnel.
  - (m) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
  - (n) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (o) Disconnection of utilities.
  - (p) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (q) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (r) Waterproofing of any exposed surfaces of adjoining buildings.
  - (s) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - (t) Working hours, in accordance with this development consent.
  - (u) Any SafeWork NSW requirements.
- C48. The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

#### **DILAPIDATION REPORT**

- C49. Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 310-322 Pitt Street and 225-227 Castlereagh Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.

*Note*: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

#### **APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

- C50. Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.

- C51. Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
- (a) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (b) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (c) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (d) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (e) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (f) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (g) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (h) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (i) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).
- C52. If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

#### **INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)**

- C53. Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- C54. The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

#### **TEMPORARY STRUCTURES (HOARDINGS, SCAFFOLDING AND OTHER STRUCTURES) INSTALLED ON PUBLIC ROADS THAT REQUIRE DEVELOPMENT CONSENT**

- C55. The following forms of temporary structures (hoardings, scaffolding and other structures) proposed for installation on or above public roads and in connection with the construction of the approved development require Council approval (development consent):
- (a) Type B hoardings that span over roads such as laneways;
  - (b) Type B hoardings that propose more than a single storey of site sheds installed on a hoarding deck;
  - (c) Type A and Type B hoardings with or without scaffolding that project beyond the side boundaries of adjoining properties;
  - (d) fenced work compounds at roadway/footway level;
  - (e) hoardings/scaffolding associated with works on heritage-listed buildings; or
  - (f) any other large and/or potentially high environmental impact temporary structures, as determined by Council.
- C56. A separate development application must be submitted and approved by Council prior to the installation of any temporary structure listed above.

## **SWIMMING POOL - WASTE AND OVERFLOW WATERS**

- C57. Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of Council or the accredited certifier and approved by the Accredited Certifier.

## **SWIMMING POOL/SPA**

- C58. Swimming and/or spa pool/s and pool surrounds must be maintained in accordance with the *Public Health (General) Regulation 2012*. Note: Guidance may also be obtained from the NSW Health Department's *Public Swimming Pool and Spa Pool Guidelines*.

## **WASTE AND RECYCLING MANAGEMENT**

- C59. The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- C60. A Waste and Recycling Management Plan is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Waste and Recycling Management Plan must be implemented during construction of the development.
- C61. The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's *Guidelines for Waste Management in New Developments 2018*, to facilitate the separation of commercial waste and recycling from residential waste and recycling.

## **VERTICAL LIFT TRANSPORTATION**

- C62. The lift strategy is to have regard to the design methodology, performance targets and base building lift design contained within the Vertical Transportation SSDA Report prepared by Arup dated 13 December 2019.

## **VEHICLES ACCESS**

- C63. The width of the driveway crossover is to be minimised as far as practical whilst still enabling access for the largest vehicle entering the site. Swept path diagrams are to be provided to the Principal Certifier.
- C64. The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

## **CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

- C65. Any Construction Traffic and Pedestrian Management Plan accompanying this Development Application has not been approved by this consent.
- C66. A Construction Traffic and Pedestrian Management Plan must be prepared in consultation with the Sydney Coordination Office of TfNSW and submitted to and approved by Council's Area Planning Manager.

Note: Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website <http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

In coordination with the City's requirements above, the Sydney Coordination Office of TfNSW requests the following information is included:

- A description of the development;
- Location of any proposed work zone(s). Pitt, Castlereagh and Liverpool Streets are not suitable locations;
- Location of any crane(s);
- Haulage routes;
- A detailed plan identifying all construction vehicle access arrangements;
- Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
- Measures to avoid construction worker vehicle movements within the CBD;
- Construction program;
- Proposed construction hours;
- Consultation strategy for liaison with surrounding stakeholders, including other developments;
- Any potential impacts to general traffic, cyclists, pedestrians and bus and light rail services within the vicinity of the site from the construction of the development;

- Cumulative construction impacts of the development, Sydney Light Rail Project, Sydney Metro City and Southwest and other development. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
- Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

## **LANDSCAPING OF THE SITE**

C67. A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:

- (a) Location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
- (b) Location and details of existing and proposed structures on the site including, but not limited to, paved areas, walls, services, furniture, shade structures, lighting and other features
- (c) Detailed wind study confirming suitability of the landscape spaces for intended use.
- (d) Detailed design of all wind mitigation measures, ensuring the recommendations of the wind study have been incorporated, and that wind conditions that are fit for purpose are achieved throughout all useable outdoor spaces.
- (e) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
- (f) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity. Species selection must also respond to detailed solar and wind studies of the site, ensuring all planting is fit for purpose.
- (g) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (h) Details of drainage, waterproofing and watering systems.

## **GREEN ROOFS**

C68. A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager. These documents must include:

- (a) A statement that includes details of proposed use of the green roof, accessibility, and any noise and privacy treatments.
- (b) Location and details of proposed services, walls, balustrades, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
- (c) Engineers report confirming structural capacity of building for proposed roof terrace loads.
- (d) Detailed wind study confirming suitability of the roof for intended use.
- (e) Detailed design of all wind mitigation measures, ensuring the recommendations of the wind study have been incorporated, and that wind conditions that are fit for purpose are achieved throughout all useable outdoor spaces.
- (f) Details of planter build-up, including soil types, volume and depth including any mounding.
- (g) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
- (h) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity. Ensure any tree species proposed above ground are suitable for the expected wind conditions.
- (i) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must ensure that all planting is safely and easily accessible for maintenance. The plan must include methodology for safe working at height including access requirements, location of any anchor points, gates, and transport of materials such as green waste removal. Any relevant cradle systems, harness points and so on must be coordinated with and shown on both the architectural and landscape plans.

C69. Structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

## DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

C70. A site-specific noise management plan shall be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

## CONSTRUCTION AND FITOUT OF FOOD PREMISES

C71. The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

## COOLROOMS

- C72. Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the Building Code of Australia, and:
- C73. The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
- C74. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- C75. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- C76. Must be fitted with a door that can be opened at all times from inside without a key.
- C77. An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

## DETAILED PLANS OF FOOD PREMISES

C78. Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food*

*Standards Code – 3.2.3 – Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises.*

- C79. Prior to the issue of a Construction Certificate the plans required by this condition must be submitted to and approved in writing by the Accredited Certifier.

#### **GREASE AND LIQUID WASTE TRAPS**

- C80. A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
- (a) Must be installed by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*;
  - (b) The grease trap must not be located in any kitchen, food preparation or food storage area;
  - (c) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
  - (d) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- C81. In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

#### **HOT WATER SERVICE**

- C82. The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

#### **SANITARY FACILITIES – FOOD PREMISES**

- C83. The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia, Part F 3.1, 4.8 and 4.9.

#### **TOILETS FOR FOOD HANDLERS**

- C84. Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment*.
- C85. Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Accredited Certifier.
- C86. The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

#### **WASTE STORAGE AREA**

- C87. To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
- (a) Provided with a hose tap connected to the water supply.
  - (b) Paved with impervious floor materials.
  - (c) Coved at the intersection of the floor and walls.
  - (d) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
  - (e) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
  - (f) Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.
  - (g) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
  - (h) Appropriately managed so that it does not attract pests or create litter.
- C88. Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Accredited Certifier.

## **CAR PARK VENTILATION**

- C89. The car park must be ventilated in accordance with the *Building Code of Australia* and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.

## **FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION**

- C90. Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – *The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and AS1668.1 – *The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

## **MECHANICAL VENTILATION**

- C91. The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- C92. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the Building Code of Australia and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the Building Code of Australia, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- C93. Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

## **ABORIGINAL CULTURAL HERITAGE**

- C94. A separate Aboriginal cultural heritage research design and excavation methodology must be submitted to and approved by Heritage NSW that includes at least the following:
- (a) Aboriginal cultural heritage research questions
  - (b) The proposed staging and timing of excavations in relation to the development phases
  - (c) A staged testing and excavation methodology for those areas of moderate and moderate to high archaeological potential (Figure 2.10 Archaeological potential of study area, ACHAR)
  - (d) Detailed triggers for expansion of test pits to salvage excavation
  - (e) A methodology for the excavation of features such as, but not limited to, hearths, knapping floors and middens
  - (f) Artefact analysis methodology
  - (g) Sampling and dating methodology
  - (h) Short term and long-term care and control of any Aboriginal objects
  - (i) Reporting requirements
- C95. Furthermore, the Aboriginal cultural heritage research design and excavation methodology and the Aboriginal cultural heritage induction must be formulated in consultation with the registered Aboriginal parties for the project.

## **HISTORICAL ARCHAEOLOGY**

- C96. The applicant must nominate a suitable qualified and experienced historical archaeologist to manage the historical archaeological program. This person must fulfil the Heritage Council's Excavation Director Criteria for the excavation of locally significant archaeological sites.
- C97. A final archaeological excavation report must be prepared within 12 months of the completion of archaeological excavation. It must include details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner. Copies of the final excavation report must be provided to the City and Heritage Council of NSW.
- C98. An interpretation strategy must be prepared and provided to the Heritage Council of NSW for review and comments incorporated within 18 months of the completion.

## **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- C99. An archival photographic recording of the existing buildings is to be submitted to and approved by Council's Area Planning Manager. The recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.



C100. Buildings at 338-348 Pitt St and 324-330 Pitt St (or 227-239 Castlereagh St) may be recorded in one stage as specified in the following part (a). Other buildings, including 126-130 Liverpool St, 241-243 Castlereagh St, 245-247 Castlereagh St, 249-253 Castlereagh St and 332-336 Pitt St are to be recorded in two stages as specified in the following procedure.

#### Procedure

C101. Because significant fabric may remain concealed and only be exposed during construction works, the archival recording is to be undertaken in stages, prior to the removal of any significant building fabric or furnishings from the site and during and after the removal of fabric on site that exposes significant building fabric or furnishings, as considered appropriate by a heritage consultant, and submitted as two parts as follows.

- (a) The first submission of the archival recording of building fabric or furnishings is to be prior to the removal of any significant building fabric or furnishings from the site, and must be submitted to and approved by Council prior to the commencement of any work on site and prior to a Construction Certificate being issued.
- (b) The second submission of the archival recording is of building fabric or furnishings that is exposed during demolition or construction and must be submitted to Council after the completion of the demolition and excavation works and prior to any Occupation Certificate being issued.

C102. The form of recording is to be a photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'. The photographic recording is to be in digital form, prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

- (a) For each of the two submissions listed above in (a) and (b), the digital form of the recording is to be as follows:
  - (i) The Development Application number and the Condition of Consent number must be noted.
  - (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
  - (iii) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.
  - (iv) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
  - (v) The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: DOS title, image subject/description and data photograph taken.

#### ENCROACHMENTS

C103. Apart from projections referred to in the condition above, no portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

C104. No portion of the proposed structure shall encroach onto the adjoining properties.

#### PROJECTIONS OVER PITT STREET AND SPLAY

C105. The architectural embellishments attached to the building, shown as overhanging the alignment of Pitt Street and the splayed corner of Pitt Street and Liverpool Street, must comply with the provisions of Schedule 4 ("Projections over or into public roads") of the Sydney Development Control Plan 2012.

#### TELECOMMUNICATIONS IN NEW DEVELOPMENTS

C106. The developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Accredited Certifier that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

- C107. Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Accredited Certifier prior to a Construction Certificate being issued.

#### **UTILITY SERVICES**

- C108. A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

#### **PUBLIC ART**

- C109. The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim guidelines: public art in private developments.
- C110. Final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning Development and Transport prior to issue of any Construction Certificate for above ground works.

Note: Public art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

#### **PUBLIC DOMAIN LEVELS AND GRADIENTS**

- C111. A Public Domain Levels and Gradients submission for the building and site frontages including all of Dungate Lane must be submitted to and approved by the City's Public Domain Unit. The submission, must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed *Application for Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.
- C112. Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

#### **PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

- C113. A photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.
- C114. The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.
- C115. The form of the recording is to be as follows:-
- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
  - (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
  - (c) Each image is to be numbered and cross referenced to a site location plan;
  - (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
  - (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

#### **SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

- C116. Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.
- C117. Documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:
- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or

- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

C118. Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

#### **PUBLIC DOMAIN CONCEPT PLAN**

C119. The Public Domain Concept Plan submitted with the DA is not approved. A concept public domain plan, showing all the site frontages including Dungate Lane and extending a minimum of 5m past the boundary and to the middle of the road, must be prepared in accordance with the Public Domain Manual and the City's Sydney Street Code. It must be submitted to and approved by Council's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation. The plan must include (where relevant) all existing and proposed paving materials, locations of street trees, site furniture, light poles, signage and other public domain elements.

C120. The concept design for the construction of all road works shall be prepared and submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate, excluding approved preparatory work or demolition works. These designs shall be prepared in accordance with the City's *Streets Technical Specification* and the *Public Domain Manual* and shall include general subdivision, contours, kerb set outs, traffic structures and drainage details. The *Public Domain Manual* and the *Technical Specification* are available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>. A submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to roadways for the creation of a shared zone in Dungate Lane.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed documentation for construction).

#### **STORMWATER DRAINAGE DESIGN**

C121. Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals demonstrating compliance with the requirements of Section 3.7.2 - *Drainage and Stormwater Management*, Section 3.7.3 – *Stormwater Quality*, 3.7.4 – *Additional provisions for Commercial and Industrial Properties* of the Sydney Development Control Plan 2012 must be submitted to and approved by the City's Public Domain Unit.

C122. The submission must include the following;

- (a) A stormwater infrastructure design certification, stating that the proposed design complies with:
- (i) Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design;
  - (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
  - (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction; and
  - (iv) All relevant Australian Standards.
- (b) Structural certification of the hydraulic and structural design of all elements, excluding standard details from Council's *Sydney Streets Technical Specifications*.

C123. The above certification shall accompany information that address the requirements of *Section 4.5 Data Requirements, Part A4 Stormwater Drainage Design* of Council's *Sydney Streets Technical Specifications*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

C124. The requirements of Sydney Water with regard to the on-site detention (OSD) of *stormwater* must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to any Construction Certificate other than demolition.

Note: A Deed of Agreement for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Note: The total discharge per site from kerb outlets must not exceed 25Litres/sec. If site discharge is greater, a connection must be made to a Council kerb inlet pit. If no kerb inlet pit exists, an extension of the Council storm water pipe system is required with a minimum 375mm diameter RCP.

#### **STORMWATER QUALITY**

C125. The development must comply with the stormwater quality assessment in the report titled SSDA 10362 Response to RFIs – Flood and Stormwater – 338 Pitt Street, Sydney prepared by TTW Pty Ltd, dated 13 October 2020.

C126. A design certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality

improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC e-link reports.

## FLOOD PLANNING LEVELS

- C127. The development must be constructed to comply with the recommended flood planning levels indicated in the report titled SSDA – Flood and Stormwater Report – 338 Pitt Street, Sydney, prepared by TTW Pty Ltd, dated 6 April 2020 and SSDA 10362 Response to RFIs – Flood and Stormwater – 338 Pitt Street, Sydney prepared by TTW Pty Ltd, dated 13 October 2020.
- C128. Details must be submitted to the Principal Certifier demonstrating that the development will comply with the recommended flood planning levels.

## PUBLIC DOMAIN LIGHTING UPGRADE

- C129. Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.
- C130. The lighting upgrade plan must cover all adjacent Pitt St, Castlereagh St, Liverpool Street and Dungate Lane street frontages and shall be designed to include:

### DUNGATE LN

- (a) Provide COS standard wall mounted lighting
- (b) Lighting standards compliance of AS1158.3.1:2020 Category PP1 with minimum vertical illuminance of 4.0lux is required.

### UNDER-AWNING LIGHTING

- (c) Provide under-awning lighting complying with the requirements of COS Awnings Policy.
- (d) Lighting standards compliance of AS1158.3.1:2020 Category PP1 with minimum vertical illuminance of 4.0lux is required.

### LIGHTING DESIGNS

- (e) Lighting designs certified by a practicing lighting engineer are to be submitted for council approval prior to a Construction Certificate being issued for above ground building works.
- (f) Lighting design must comply with the requirements of Sydney Streets Technical Specifications - A5: Street Lighting Design.
- (g) Advice on site specific lighting requirements must be obtained from the City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

## PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

- C131. A detailed public domain plan and all relevant documentation must be submitted to and approved by the City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights Design Code*, *Sydney Streets Technical Specification* and *Sydney's Parks Code*. The plan must consider road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be to construction standard and will be approved under Section 138 of the Roads Act.
- C132. The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.
- C133. The Public Domain Plan documentation must be submitted with an *Application for Public Domain Plan Assessment* and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, an *Application for Public Domain Levels and Gradients* must be submitted to and approved by the Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

Note: Stamped plans will be issued for construction and approved under Section 138 of the Roads Act.

## DRAINAGE CONNECTION

- C134. For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City

of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to the issue of a Construction Certificate for the public domain.

#### **LIGHTING RETICULATION**

- C135. Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City of Sydney's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.
- C136. The *Public Domain Manual* and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.
- C137. If applicable, this public domain lighting documentation shall include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

#### **PUBLIC DOMAIN WORKS BOND**

- C138. A Public Domain Works Bond will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Bond must be submitted as cash, an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of the City as security for completion of the obligations under this consent (Guarantee).
- C139. The City's Public Domain Unit must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with the City prior to an approval being issued for the Public Domain Plan.
- C140. The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by the City in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

#### **DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

- C141. All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

#### **PUBLIC DOMAIN DAMAGE BOND**

- C142. A Public Domain Damage Bond calculated on the basis of 824 square metres of granite and 336 square meters of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- C143. The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- C144. The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.

#### **PLAN OF MANAGEMENT**

- C145. The retail Plan of Management contained at Appendix LL of the EIS is not approved.
- C146. A separate Plan of Management is to be prepared in accordance with Schedule 3.2 of the Sydney DCP 2012 and submitted to and approved by Council's Area Planning Manager, covering all retail tenancies.

#### **LAND CONTAMINATION**

- C147. Prior to the issue of any construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Detailed Environmental Site Investigation and Site Remedial Action Plan (RAP) must be submitted to the City's Area Planning Manager prepared by a suitably qualified environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and Planning NSW Guidelines, "Managing Land Contamination Planning Guidelines" and Councils Development Control Plan "Contaminated Land" and include the following actions:

- (a) The recommendations in the Interim Audit Advice by NSW EPA Accredited Site Auditor Graeme Miller dated 11<sup>th</sup> March 2021 and referenced S18498\_011\_LET\_Rev0 must be considered in the preparation of the reports.
- (b) The RAP must be reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or letter of interim advice issued by the Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.
- (c) The documents must be submitted and approved by Council's Area Planning Manager at email address:- [hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

## SITE AUDIT STATEMENT

- C148. Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:- [hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)
- C149. The Site Audit Statement must confirm that the site has been remediated in accordance with the NSW EPA Accredited Site Auditor approved Remedial Action Plan and clearly state that site is suitable for the proposed use.
- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
  - (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
  - (c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

## SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

- C150. Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and Council's Area Planning Manager prior to the issue of the final Site Audit Statement.
- C151. The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

## ENGINEERING

- C152. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
- (a) The updated engineering impact assessment and appended drawings provided to Sydney Metro to satisfy the deferred commencement conditions A2 (a) – (d).

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

## RAIL CORRIDOR

- C153. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro - City & Southwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro - City & Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

## SURVEY AND SERVICES

- C154. Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

C155. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

## **NOISE & VIBRATION**

C156. The development must:

- (a) comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from [www.sydneymetro.info](http://www.sydneymetro.info));
- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
- (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

C157. The Applicant must incorporate as part of the development all the measures recommended in the Acoustic SSDA Report (Doc ref. AC01 – Issue 2) prepared by ARUP and dated 13 December 2019. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

## **ELECTROLYSIS**

C158. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The report should include, but not limited to:

- (a) Recommendation for all water pipelines and gas pipelines are non-metallic and maintains required controls with regards to protection against electrolysis.
- (b) Evidence to show that the building depth is not greater than 20m from the RL – 0 (ground level).
- (c) Adequate isolation is provided between the development and Sydney Metro corridor. Details of any insulation layers designed shall also be provided.
- (d) Evidence of electrolysis test points or electrolysis monitoring points designed.

C159. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

## **DESIGN**

C160. The roots and foliage of trees planted beside the rail corridor as part of the development must not impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

## **CONSTRUCTION**

C161. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

C162. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro

property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

- C163. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:

- (a) Machinery to be used during excavation/construction; and
- (b) Demolition, excavation and construction methodology and staging.

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

- C164. Prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- C165. Prior to the issuing of a Construction Certificate, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- C166. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- C167. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
- Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - City & Southwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.
- C168. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.
- Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - City & Southwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.
- C169. Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment, in the form of a statement or report, demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this assessment has been endorsed by Sydney Metro in writing.

## **DRAINAGE**

- C170. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

## **DOCUMENTATION**

- C171. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.



## **PART D PRIOR TO COMMENCEMENT OF WORKS**

### **NOTIFICATION OF COMMENCEMENT**

- D1. The City must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- D2. If the construction or operation of the development is to be staged, the City must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **ACCESS TO INFORMATION**

- D3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition B2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### **COMMUNITY CONSULTATIVE COMMITTEE**

- D4. Before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016). The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.

### **COMMUNITY COMMUNICATION STRATEGY**

- D5. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the City and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- D6. The Community Communication Strategy must:
- (a) identify people to be consulted during the design and construction phases;
  - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
  - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
  - (d) set out procedures and mechanisms:
    - (i) through which the community can discuss or provide feedback to the Applicant;
    - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
    - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- D7. The Community Communications Strategy must be submitted to the City's Area Planning Manager for approval no later than one month before the commencement of any work.
- D8. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the City's Area Planning Manager, or within another timeframe agreed with the City's Area Planning Manager.

- D9. The Community Communication Strategy, as approved by the City's Area Planning Manager, must be implemented for a minimum of 12 months following the completion of construction.

#### **COMPLIANCE**

- D10. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **EROSION AND SEDIMENT CONTROL**

- D11. Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.
- D12. The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
- (a) existing site contours;
  - (b) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
  - (c) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

#### **UTILITY SERVICES**

- D13. The applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

#### **SURVEY**

- D14. All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

#### **ACCESS DRIVEWAYS TO BE CONSTRUCTED**

- D15. Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

#### **HOLD POINTS**

- D16. Prior to an approval being issued for the construction of public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be provided by the City's Public Domain Unit in accordance with the City's *Public Domain Manual* and *Sydney Streets Technical Specification* (an approved list of hold points will be included in the Public Domain works Approval letter). These hold points must be adhered to during construction works.

#### **NO OBSTRUCTIONS**

- D17. All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

#### **DRAINAGE AND SERVICE PIT LIDS**

- D18. All existing or proposed drainage and service pit lids throughout the public domain shall be to City of Sydney specifications and heel / bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by the Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

## **PART E DURING CONSTRUCTION**

### **DEMOLITION**

- E1. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

### **HOURS OF WORK AND NOISE**

- E2. The hours of construction and work on the development must be as follows:
- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
  - (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
  - (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the Environmental Planning and Assessment Act 1979.

### **PARTITION WALLS**

- E3. Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

### **FLASHINGS TO BOUNDARY WALLS**

- E4. A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

### **DILAPIDATION REPORT**

- E5. A second Dilapidation Report/s, including a photographic survey must be submitted at least one month after the completion of demolition/excavation works where undertaken in accordance with condition C49. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.
- E6. Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

### **SANDSTONE RECYCLING**

- E7. A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.
- E8. The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.

- E9. Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.
- E10. In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.
- E11. The programming of the works is to take into account, the above process.

#### **ASSOCIATED ROADWAY COSTS**

- E12. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

#### **INTERCOM FOR VISITORS**

- E13. Where a boom gate or barrier control is in place, the retail visitor spaces and loading areas must be accessible to visitors by the location of an intercom at the car park entry and at least 4 metres clear of the property boundary, wired to relevant management rooms. The intercom must comply with Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

#### **SECURITY GATES**

- E14. Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

#### **SIGNAL SYSTEM**

- E15. A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry, and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- E16. All loading and unloading associated with construction activity must be accommodated on site.
- E17. If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- E18. A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- E19. In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- E20. The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- E21. Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

#### **NO OBSTRUCTION OF PUBLIC WAY**

- E22. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

#### **USE OF MOBILE CRANES**

- E23. Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- E24. For operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in

the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- E25. Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

#### **MATERIALS AND SAMPLES BOARD**

- E26. The design details of the proposed building facades including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under condition C25.

#### **COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- E27. All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan under condition C70.
- E28. Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP). Such periods must be set and agreed to by Council's Health and Building Unit.

#### **CLASSIFICATION OF WASTE**

- E29. Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

#### **DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS**

- E30. The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following;
- (a) NSW EPA Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010),
  - (b) NSW EPA Technical Note: *Investigation of Service Station Sites* (April 2014),
  - (c) AS 1940 –2004: Storage and handling of flammable and combustible liquids,
  - (d) AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.
- E31. A site contamination assessment must be conducted in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of the Environment and Heritage 2011) and the *Sampling Design Guidelines* (NSW Environmental Protection Authority September 1995) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.
- E32. Subsequent remediation of the site must be undertaken in accordance with the Managing Land Contamination – Planning Guidelines, State Environmental Planning Policy 55 – Remediation of land (Department of Urban Affairs and Planning 1998) including notification to Council's Area Planning Manager at the start and completion of land remediation.
- E33. The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

#### **IMPORTED FILL MATERIALS**

- E34. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- E35. The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

#### **STOCKPILES**

- E36. No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.
- E37. All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- E38. All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- E39. All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

#### **HISTORICAL ARCHAEOLOGY**

- E40. A final archaeological excavation report must be prepared within 12 months of the completion of archaeological excavation. It must include details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the landowner. Copies of the final excavation report must be provided to the City and Heritage Council of NSW.
- E41. An interpretation strategy must be prepared and provided to the Heritage Council of NSW for review and comments incorporated within 18 months of the completion of the archaeological excavations on site. This strategy must include details of the archaeological investigation of the site and how the results will be incorporated into the completed development. This must include an artefact display, where deemed relevant from the results.

#### **UNDERGROUND CABLES**

- E42. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

#### **COVERING OF LOADS**

- E43. All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### **EROSION AND SEDIMENT CONTROL**

- E44. The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved under condition D11 must be implemented in full during the construction period.
- E45. During the construction period:-
  - (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
  - (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and
  - (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

#### **VEHICLE CLEANSING**

- E46. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **INSTALLATION OF DUAL-FLUSH TOILETS**

- E47. All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Accredited Certifier, prior to a Construction Certificate being issued.

## **INSTALLATION OF WATER EFFICIENT TAPS**

- E48. All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

## **INSTALLATION OF WATER EFFICIENT URINALS**

- E49. New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Accredited Certifier, prior to a Construction Certificate being issued.

## **INTERNAL LIGHTING SYSTEM**

- E50. The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.

## **PROTECTION OF STONE KERBS**

- E51. The existing stone kerbs on the Pitt, Liverpool & Castlereagh Street frontages of the site are to be retained and properly protected during demolition, excavation and construction works.
- E52. To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- E53. Note the following:
- (a) all costs associated with the works are to be borne by the developer.
  - (b) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (c) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
  - (d) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
  - (e) Council approval is required before kerbs are removed.
  - (f) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
  - (g) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

## **TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

- E54. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

## **PAVING MATERIALS**

- E55. The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

## **PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

- E56. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

## **SUPERVISION**

- E57. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

## CONSULTATION

- E58. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- E59. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- E60. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

## DRAINAGE

- E61. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- E62. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

## INSPECTIONS

- E63. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) site investigations;
  - (b) foundation, pile and anchor set out;
  - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
  - (d) foundation, pile and anchor excavation;
  - (e) other excavation;
  - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
  - (g) other concreting; or
  - (h) any other event that Sydney Metro has notified to the Applicant in writing
- so that Sydney Metro may inspect the carrying out or completion of those works on the development site.
- E64. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.
- E65. At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
  - (b) attend on-site meetings with the Applicant and its contractors,
- to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.



## **PART F PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- F1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### **ACCOMMODATION - REGISTRATION AND CARETAKER**

- F2. Prior to the issuing of any Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

### **ALLOCATION OF ACCESSIBLE CAR PARKING SPACES**

- F3. For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

### **SIGNS AT EGRESS**

- F4. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
- (a) Compelling drivers to stop before proceeding onto the public way
  - (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

### **PHYSICAL MODELS**

- F5. Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (a) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

### **SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- F6. Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- F7. The data required to be submitted within the surveyed location must include and identify:
- (a) building design above and below ground in accordance with the development consent;
  - (b) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (c) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.
  - (d) The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.
- F8. The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

## **WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- F9. Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.
- F10. Prior to any Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

## **LOADING DOCK MANAGEMENT PLAN**

- F11. A Loading Dock Management Plan must be developed in consultation with the Sydney Coordination Office within Transport for NSW and submitted to and approved by Council's Area Planning Manager.
- F12. The plan should identify how the loading area/s, including the service and delivery spaces provided on other levels, will be managed and used by all building tenants including hotel, retail and residential.
- F13. The plan must include, but is not limited to, the delivery and service profile of all users (including vehicle sizes and movements), the management of the delivery and servicing areas and vehicles for all users to ensure there is no requirement for any service vehicles to wait on public streets to enter the site, monitoring and communication of the plan. The plan needs to be able to respond to changing road environments.
- F14. Once approved, this management plan will need to be provided to all tenants and external users of the loading area.

## **TRANSPORT ACCESS GUIDE**

- F15. A Transport Access Guide for residents, workers, visitors and guests to the premise must be implemented and maintained by the operator/s of the premise.
- F16. The Transport Access Guide must inform visitors and guests:
- (a) How they can access premise/s by walking, cycling and public transport (or combination of these and other modes).
  - (b) That the site provides onsite bicycle parking for visitors and guests and how visitors and guests can access this.
  - (c) That the site provides limited onsite car parking and how they can access this (including location of drop off and pick up).
  - (d) Any other access arrangements deemed necessary by the operator/s for inclusion.

Note: A Transport Access Guide can take many forms. A draft Transport Access Guide and details of how the Transport Access Guide will be communicated must be submitted to and approved by Council's Area Planning Manager.

## **GUEST PICK-UP AND DROP-OFF MANAGEMENT PLAN**

- F17. A Guest Pick-Up and Drop-off Management Plan is to be submitted demonstrating management of all vehicles associated with guest arrivals, departures and tours and potential impacts on surrounding streets. The Guest Pick-Up and Drop-off Management Plan is to be developed in consultation with the Sydney Coordination Office within TfNSW and submitted and approved by Council prior to the Occupation Certificate for the site being granted. This plan should include onsite pick up and drop off management, the management of any coaches / buses associated with the site (including management of guests, luggage and/or trolleys to ensure the public footpath remains unobstructed for use of pedestrians).

## **CAR SHARE SPACES**

- F18. A minimum of 10 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time. The spaces must be made available to car share operators without a fee or charge. The spaces must be sign posted for use only by car share vehicles and well lit. The spaces must be accessible to members of the car share scheme at all times. The car share spaces are to be available at the same time that the car park commences operation.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators prior to the issue of a construction certificate to ensure the commercial requirements of the operator can be accommodated.

## **LANDSCAPING OF THE SITE AND GREEN ROOFS**

- F19. All landscaping and green roofs approved under conditions C68 and C69 are to be complete prior to an Occupation Certificate being issued.

## PERSONAL LOCKERS

- F20. Clothing lockers or change rooms for male and female staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with *AS4674 - Design, Construction and Fit out of Food Premises*.

## NOTIFICATION OF CONDUCT OF FOOD BUSINESS

- F21. The use shall not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.
- F22. An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.
- Note: Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

## RESTRICTION ON USE OF CAR SPACES & STORAGE SPACES

- F23. The following conditions apply to residential car parking:
- (a) The on-site residential car parking & storage spaces, exclusive of service and visitor car spaces, are not to be used other than by an occupant, tenant or resident of the subject building.
  - (b) Prior to an Occupation Certificate being issued, a documentary restriction on the use of land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The restriction is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
  - (c) Any future strata subdivision of all or part of the site is to include a restriction on User pursuant to Section 63 of the *Strata Schemes Development Act 2015* burdening all utility residential car parking allotments in the Strata Plan and/or an appropriate restriction on the use of land pursuant to section 88B of the *Conveyancing Act 1919* burdening all residential car parking part-lots in the strata scheme.
- F24. The following conditions apply to retail car parking:
- (a) The on-site retail car parking spaces are not to be used other than by an occupant, customer, employee or tenant of the retail tenancies in the building.
  - (b) Prior to an Occupation Certificate being issued, a documentary restriction on the use of land, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) above. The restriction is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
  - (c) Any future strata subdivision of all or part of the site is to include a restriction on user pursuant to Section 63 of the *Strata Schemes Development Act 2015* so burdening all utility retail car parking allotments in the strata plan and/or an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, burdening all retail car parking part lots in the strata plan.
- F25. The following conditions apply to car parking allocated to the hotel:
- (a) The on-site hotel car parking spaces are not to be used other than by hotel guests, function patrons and staff of the subject building.
  - (b) Car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking.
  - (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a), above. The covenant is to be created appurtenant to Council, at no cost to Council.

## LOT CONSOLIDATION

- F26. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with NSW Land Registry Services, prior to any Occupation Certificate being issued. If an application is made to subdivide the site to reflect the approved development, the requirement for consolidation is waived.

## EASEMENT FOR PUBLIC ACCESS

- F27. Prior to the issue of an Occupation Certificate for the development, a documentary Easement for Public Access, limited in stratum if so desired, is to be created and registered on the Title of the development site. The Easement is to be defined over the strips of public walkways running in east-west and north-south direction, limited in height if so desired, extending variously between the alignments of Pitt Street, Castlereagh Street, Liverpool Street and Dungate Lane as well as the areas linking these walkways, generally over the paving as shown on the plan (Reference Project Code H338 Sheet 2007 Rev 07) for the development. The Easement is to be created

appurtenant to Council in terms granting unrestricted rights for public pedestrian access, without vehicles, exclusive of wheelchairs for the disabled, to Council's satisfaction,

- F28. Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Title of the development site, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Easement for Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep and repair of the Easement for Public Access in accordance with Council's requirements and to the satisfaction of Council.

#### **SURVEY CERTIFICATE AT COMPLETION**

- F29. A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

#### **SYDNEY AIRPORT CONDITIONS**

- F30. The building must be obstacle lit by medium intensity flashing red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Maxual of Standards Part 139 – Aerodomes (MOS). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS.
- F31. The Proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle lighting monitoring within the OLS of an aerodome, refer to subsection 9.4.10 of the MOS.
- F32. The obstacle lighting must have a built in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the obstacle lighting. The designated person must be available 24 hours, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. The contact details of the person responsible for the maintenance of the obstacle lighting must be sent to Sydney Airport prior to the completion of the building being constructed, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting is to immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.
- F33. Following completion of the building, the Proponent must advise SACL, in writing, that the future owner(s)/manager(s) have been informed of their obligation to maintain the obstacle lighting in accordance with conditions of this approval.
- F34. The Proponent must advise Airservices at least least business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting SY-CA-406 P2.
- F35. Separate approval must be sought under the Regulations for any construction equipment (i.e.) cranes required to construct the building.
- F36. At the completion of the construction of the building, a certified surveyor must notify (in writing) SACL of the finished height of the building.

#### **SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases in multilevel premises; and
  - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that

meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

#### **NON-ROAD FRONTAGE SHOP NUMBERING**

- F37. Prior to any Occupation Certificate being issued, shop numbers must be clearly visible at the front of the premises, for ease of identification. Numbering must be maintained so that identification can be made at all times.

#### **SYDNEY WATER CERTIFICATE**

- F38. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
- F39. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
- F40. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
- F41. The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

#### **PUBLIC ART**

- F42. Public artwork must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

#### **PUBLIC DOMAIN WORKS COMPLETION**

- F43. The Public Domain works are to be constructed in accordance with the Public Domain Works Approval, approved stamped plans for Gradients and Levels, Stormwater, Public Domain Lighting, the City of Sydney's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.
- F44. The public domain work must be inspected and a Certificate of Practical Completion must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

#### **PUBLIC DOMAIN COMPLETION - WORK AS EXECUTED DOCUMENTATION**

- F45. Prior to a Certificate of Practical Completion being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and Road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

#### **STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

- F46. Prior to the issue of any Occupation Certificate:
- (a) The Owner is required to enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
  - (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

## **SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS**

- F47. Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.
- F48. Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:
- (a) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
  - (b) A certificate of Practical Completion obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

## **SURVEY INFRASTRUCTURE – RESTORATION**

- F49. Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
- (a) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
  - (b) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
  - (c) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

## **CONSTRUCTED FLOOR LEVELS**

- F50. A certification report prepared by a suitably qualified practitioner engineer (NPER), must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled SSDA – Flood and Stormwater Report – 338 Pitt Street, Sydney, prepared by TTW Pty Ltd, dated 6 April 2020 and SSDA 10362 Response to RFIs – Flood and Stormwater – 338 Pitt Street, Sydney prepared by TTW Pty Ltd, dated 13 October 2020.

## **FLOOD RISK MANAGEMENT**

- F51. Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NPER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report shall be provided to Council for record keeping purposes.

## **FLOOR SPACE RATIO**

- F52. A Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

## **REGISTRATION OF COVENANT**

- F53. A covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.
- F54. This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of any encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority
- F55. A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to the issue of any Occupation Certificate.

## **NOISE AND VIBRATION**

- F56. Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

- (a) State Environmental Planning Policy (Infrastructure) 2007;
- (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
- (c) any other noise and vibration requirements imposed by this consent.

The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

#### **DOCUMENTATION**

- F57. Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- F58. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

#### **INSPECTIONS**

- F59. If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

## **PART G POST OCCUPATION**

### **VISITOR AND TOURIST ACCOMMODATION**

- G1. The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and *Sydney Development Control Plan 2012 – 4.4.8*.

### **ALLOCATION FOR CAR WASH BAYS**

- G2. If car wash bays are provided, spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by all tenants.

### **ON SITE LOADING AREAS AND OPERATION**

- G3. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- G4. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### **USE OF COMMON AREAS AND FACILITIES**

- G5. The roof top terraces, gymnasium, swimming pool and other communal facilities identified on the approved plans as for use by residents must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

### **TRADING HOURS**

- G6. The retail premises are permitted to operate between 6am and midnight Monday to Sunday.

### **PLANS OF MANAGEMENT**

- G7. The hotel is to operate in accordance with the Plan of Management contained in Appendix MM of the EIS, prepared by Ethos Urban dated 19 December 2019.
- G8. The retail premises are to operate in accordance with the Plan of Management approved under condition B146.

### **ON-SITE LOADING OPERATION**

- G9. All loading and unloading associated with the site must be carried out within the site at all times and must not obstruct other properties/units or the public way.
- G10. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### **SERVICE VEHICLE SIZE LIMIT**

- G11. The size of vehicles servicing the property must not exceed 9.25m.

### **COMMERCIAL CAR PARK OPERATION NOT PERMITTED**

- G12. Consent is not granted or implied for use of the basement at any time for a commercially operated paid car park.

### **NOISE – COMMERCIAL PLANT**

- G13. Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:
- (a) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (b) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- G14. An  $L_{Aeq,15\text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15\text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (a) The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - (b) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- G15. Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.



## **RESTRICTION ON STRATA SUBDIVISION**

G16. Any strata subdivision of the hotel to create individual lots for hotel rooms is not permitted.

## **SECURITY – RESTAURANTS, LARGE HOTELS, THEATRES, CONFERENCE ROOMS AND EXHIBITION HALLS**

G17. Management shall ensure an appropriate number of security staff (in accordance with the premises Security Management Plan or, if no such plan is required, approved industry standards) are employed to regulate and control patrons whenever the premise is used for specific public functions or group events.

## **MAXIMUM CAPACITY OF PERSONS**

G18. A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Principal Certifier prior to issue of a Construction Certificate.

## **INCIDENTS – RECORDING AND NOTIFICATION**

G19. The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

## **QUEUING**

G20. No persons are to be permitted to drink or queue outside the premises at any time. Security officers are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

## **NO SPEAKERS OR MUSIC OUTSIDE**

G21. Speakers and/or noise amplification equipment must not be installed on any street frontage. Speakers and/or noise amplification equipment within the site must be directed away from the public domain and at a volume so as not to cause nuisance to the surrounding area.

## **NO SPRUICKING NOISE**

G22. No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

## **NOISE FROM GLASS REMOVAL**

G23. Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

## **GLASS CRUSHER**

G24. All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises) prior to the removal of such waste from the premises.

## **REMOVAL OF GLASS**

G25. Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

## **ANNUAL FIRE SAFETY STATEMENT FORM**

G26. An annual Fire Safety Statement must be given to Council and Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

## **SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN**

G27. The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.